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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/035,636

12/28/2001

Joseph W. Weber

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24283 7590 06/21/2007  
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EXAMINER

SANDOVAL, KRISTIN D

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/035,636	Applicant(s) WEBER ET AL.	
	Examiner Kristin D. Sandoval	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-11 are pending.

#### ***Response to Arguments***

2. Applicant's arguments filed April 9, 2007 have been fully considered but they are not persuasive. Applicant argues that since the paragraphs cited by the examiner refer to figures that do not exist in the reference, they are unable to respond to provide a proper response to the Office Action. The examiner respectfully disagrees. The examiner cites paragraphs 0245-0275 in the office action and does not cite figures 23-28 directly, thus the examiner does not rely upon the figures in making the rejection, consequently the figures are not needed in order to form a response. The text contained in the paragraphs is enough to form the basis of the rejection and it is the responsibility of the applicant to interpret the rejection to the best of their ability.

Therefore, the applicant was given a fair chance to respond to the rejection as it stands. If, for further reference, the applicant would like to consult the figures, they are included in the patent listed in the form 892 attached.

3. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1- 11 rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al. (Asano), U.S. PG-PUB 2003/0095664.

As per claims 1, 5, 8 and 10:

Asano discloses a method for generating an encryption key comprising:

retrieving the host identification from the host device for use as a private portion of an encryption key (paragraphs 0213-0218, );

generating at least one content variable that uniquely identifies a corresponding block of said file as a public portion of said encryption key (paragraph 0220, where the block seed is the content variable);

combining the host identification and the at least one content variable to produce the encryption key that was used to encrypt the file (paragraph 0220);

encrypting a block of plaintext data using the encryption key to produce a block of ciphertext (paragraphs 0245-0275);

appending only the at least one content variable to the block of ciphertext (paragraphs 0245-0275);

transmitting the block of ciphertext and the appended at least one content variable over the unsecured interface to the storage device (paragraphs 0245-0276);

storing the block of ciphertext and the appended one or more content variables within the storage device (paragraphs 0245-0276); and

decrypting the block of ciphertext with the encryption key to produce the block of plaintext (paragraphs 0276-0298).

As per claims 2 and 11:

using a predetermined method, wherein combining the host identification and the at least one content variable repeatedly produces the same encryption key (paragraph 0219).

As per claims 3 and 6:

Asano discloses a method wherein a time variable is obtained because it is required in order to decrypt the message (paragraphs 0226-0227).

As per claim 4:

Asano substantially teaches a method comprising:

retrieving the host identification from the host device for use as a private portion of an encryption key (paragraphs 0245-0275);

generating a content identification, wherein the content identification corresponds to the block of plaintext as a public portion of said encryption key (paragraphs 0245-0275);

combining the host identification and the content identification to produce the encryption key (paragraphs 0245-0275).

a time variable is obtained because it is required in order to decrypt the message (paragraph 0257).

As per claims 7 and 9:

Asano substantially teaches a method comprising:

retrieving the stored block of ciphertext and the appended at least one content variable from the storage device (paragraphs 0276-0298);

retrieving the host identification from the host device (paragraphs 0276-0298);  
utilizing decryption criteria such as a time variable, in order to decrypt (paragraphs 0276-0298).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER

Kristin D Sandoval  
Examiner  
Art Unit 2132